

REMARKS

Claims 1-6, 8-10, 12, 13, 16, 18-25, 28-30, 32, 34, 35, 39, 41, 42, 51-56, 71, 72, 74 and 75 are pending. Claims 1, 18, 28, 35, 42, 51 and 71 are independent claims, and have been amended.

It is submitted that the application is in condition for allowance. Reconsideration is respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 1-6, 8-10, 12, 13, 16, 18-25, 28, 30, 32, 34, 35, 39, 41, 42, 51-56, 71, 72, 74 and 75 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0087653 to Leung et al. (hereinafter "Leung") in view of Applicant Admitted Prior Art (hereinafter "AAPA"). This rejection is respectfully traversed.

It is respectfully noted that the Federal Circuit has provided that an Examiner must establish a case of prima facie obviousness. Otherwise the rejection is incorrect and must be overturned. As the court recently stated in In re Rijkenaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993):

"In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. 'A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.' If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned." (citations omitted.)

It is respectfully noted that independent claims 1, 18, 28, 35, 42, 51 and 71 each recite "the Internet protocol header compression is performed in a packet data convergence protocol (PDCP) entity located within a serving radio network controller (SRNC) in case of a point-to-point manner and within a controlling radio network controller (CRNC) in case of a point-to-multipoint manner" and "the point-to-multipoint service is a multimedia broadcast/multicast service (MBMS) and one PDCP entity exists

in the CRNC for each MBMS service in case of the point-to-multipoint manner", wherein "the PDCP entity is located above a radio link control (RLC) entity or a medium access control (MAC) entity of the CRNC or SRNC", or similar limitations.

Leung relates to an intermittent broadcast service that conserves bandwidth and other transmission resources of a wireless communication system. However, there is no teaching or suggestion in Leung regarding UMTS networks having a UTRAN with multiple RNCs, such as an SRNC, a CRNC, an RLC entity and/or a MAC entity of the SRNC or CRNC, all of which are explicitly recited in the independent claims.

Moreover, by locating the PDCP entity within the CRNC in case of the point-to-multipoint manner, wherein the PDCP entity is located above the RLC entity or MAC entity of the CRNC, one result of the present invention is that the total number of PDCP entities necessary for performing header compression/decompression and transmission/reception of compressed headers is reduced. This is in contrast to the prior art wherein the total number of PDCP entities equals the total number of mobile terminals.

Accordingly, the Applicants cannot find any definite teachings or suggestions in both Leung and AAPA regarding "wherein the Internet protocol header compression is performed in a packet data convergence protocol (PDCP) entity located within a serving radio network controller (SRNC) in case of the point-to-point manner and within a controlling radio network controller (CRNC) in case of the point-to-multipoint manner, wherein the point-to-multipoint service is a multimedia broadcast/multicast service (MBMS) and one PDCP entity exists in the CRNC for each MBMS service in case of the point-to-multipoint manner, wherein the PDCP entity is located above a RLC entity or a MAC entity of the CRNC or SRNC", as recited in the independent claims.

Furthermore, with regard to paragraph [0068] lines 5-8 of Leung, which the Examiner has previously relied upon, it is respectfully submitted that this disclosure merely teaches that the PDSN provides header compression information to MS, where the header compression information is compressed or performed by the ROHC. However, unlike the present invention, Leung does not explicitly disclose the Applicant's novel features of the PDCP entity being located within the SRNC in case of the point-to-point manner and within the CRNC in case of the point-to-multipoint manner, the point-

to-multipoint service being a MBMS service and only one PDCP entity existing in the CRNC for each MBMS service in case of the point-to-multipoint manner, and the PDCP entity being located above a RLC entity or a MAC entity of the CRNC or SRNC.

Rather, the portions of Leung previously relied upon by the Examiner merely illustrate a very broad and general robust header compression scheme known in conventional art. Unlike the claimed inventions, the conventional ROHC scheme disclosed in Leung is not concerned with a type of service (i.e. point-to-point, point-to-multipoint).

Furthermore, it is respectfully asserted that Leung and AAPA, either alone or in combination, do not teach or suggest the features of one PDCP entity existing in the CRNC for each MBMS service in case of the point-to-multipoint manner, and the PDCP entity being located above an RLC entity or a MAC entity of the CRNC or SRNC.

It is well-settled law that to support a finding of obviousness, a reference must provide some motivation, working without the benefit of the applicant's specification, to make the necessary changes in the device disclosed in the reference. The mere fact that a worker in the art could modify the reference to meet the terms of the claims is not, by itself, sufficient. The mere fact that a reference may be modified in the direction of the claimed invention does not make the modification obvious unless the reference expressly or impliedly teaches or suggests the desirability of the modification. In re Gordon, 221 USPQ 1125, 1127 (Fed. Cir. 1984); Ex parte Clapp, 227 USPQ 972, 973 (Bd. App. 1985); Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. App. 1984).

It is respectfully submitted that the Examiner has applied a piecemeal examination onto the pending claims. When a major technical rejection is made, it should be stated with a full development of reasons rather than by a mere conclusion coupled with some general disclosure. It is further respectfully submitted that the Examiner has relied upon improper hindsight in rejecting the claims and has failed to provide a proper motivation to combine the cited references.

It is respectfully submitted that the combination of Leung and the AAPA is improper and respectfully requested that the rejection be withdrawn. Notwithstanding that the combination of Leung and the AAPA is improper, it is further respectfully

submitted that that the teachings of Leung and the AAPA individually or in combination do not result in applicant's claimed invention, as recited in independent claims 1, 18, 28, 35, 42, 51 and 71 due to the functional and structural differences explained previously.

Therefore, it is respectfully asserted that independent claims 1, 18, 28, 35, 42, 51 and 71 are allowable over the cited combination of references. It is further respectfully asserted that claims 2-6, 8-10, 12, 13, 16, 19-25, 30, 32, 34, 39, 41, 52-56, 72, 74 and 75 are also allowable at least by virtue of their dependence from an allowable independent claim.

CONCLUSION

In light of the above remarks, Applicants submit that all claims of the present application are in condition for allowance. Reconsideration of the application is requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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